

By: Frank

H.B. No. 3720

A BILL TO BE ENTITLED

AN ACT

relating to interest lists and eligibility criteria for certain Medicaid waiver programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.0605 and 531.0606 to read as follows:

Sec. 531.0605. INTEREST LISTS FOR CERTAIN MEDICAID WAIVER PROGRAMS. (a) This section applies to interest lists in the following Medicaid waiver programs:

(1) the community living assistance and support services (CLASS) waiver program;

(2) the home and community-based services (HCS) waiver program;

(3) the deaf-blind with multiple disabilities (DBMD) waiver program;

(4) the Texas home living (TxHmL) waiver program;

(5) the medically dependent children (MDCP) waiver program; and

(6) the STAR + PLUS home and community-based services and supports (STAR + PLUS HCBS) program.

(b) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, the State Medicaid Managed Care

1 Advisory Committee established under Section 531.012, and other  
2 interested stakeholders, shall develop a questionnaire for  
3 individuals who are on an interest list for any Medicaid waiver  
4 program.

5 (c) The questionnaire described in Subsection (b) must  
6 capture, at a minimum, the following information:

7 (1) general demographic and contact information;  
8 (2) the types of assistance the individual needs;  
9 (3) the individual's living arrangement;  
10 (4) caregiver supports and any risks to caregiver  
11 supports; and

12 (5) when delivery of the services should begin to  
13 ensure the individual's health and welfare in the least restrictive  
14 setting possible.

15 (d) Beginning no later than September 1, 2024, and subject  
16 to the availability of funds, the commission shall require all  
17 individuals on an interest list to complete or update the  
18 questionnaire described in Subsection (b) on an annual basis.

19 (e) For an individual on an interest list who does not  
20 respond to written or verbal requests for annual or biennial  
21 updates to interest list information or otherwise fails to maintain  
22 contact with the commission:

23 (1) the commission shall consider the individual  
24 inactive and determine which interest list(s) to which the inactive  
25 status will apply until the individual makes contact with the  
26 commission and indicates he or she is still interested in waiver  
27 program services; and

1           (2) if the individual status remains inactive for four  
2 years or more, the commission shall not include the individual in  
3 reporting the number of individuals on any waiver program interest  
4 list to which the inactive status for the individual applies.

5           (f) Individuals who are eligible to receive Supplemental  
6 Security Income (SSI) (42 U.S.C. Section 1381 et seq.) and are on  
7 the interest list for the MDCP waiver program as of September 1,  
8 2021, shall be assessed by the commission for waiver program  
9 eligibility as soon as possible.

10          (g) After September 1, 2021, individuals who receive  
11 Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.)  
12 and express an interest in receiving MDCP waiver program services  
13 shall be assessed by the commission for waiver program eligibility  
14 without first being placed on the MDCP waiver program interest  
15 list.

16          (h) The commission shall explore the feasibility of  
17 creating an online portal for individuals to request placement on  
18 an interest list and to complete and update the questionnaire  
19 described in Subsection (b).

20          Sec. 531.0606. ELIGIBILITY FOR CERTAIN MEDICAID WAIVER  
21 PROGRAMS. (a) In determining eligibility criteria for the TxHmL  
22 waiver program, the commission shall:

23           (1) establish income eligibility levels consistent  
24 with Title XIX of the Social Security Act and any other applicable  
25 law or regulations, so that an individual whose income is at or  
26 below 300 percent of the federal poverty level is eligible for the  
27 program; and

1           (2) add level of care VIII, as defined by the  
2 commission, to the eligibility criteria for the program.

3           SECTION 2. If before implementing any provision of this Act  
4 a state agency determines that a waiver or authorization from a  
5 federal agency is necessary for implementation of that provision,  
6 the agency affected by the provision shall request the waiver or  
7 authorization and may delay implementing that provision until the  
8 waiver or authorization is granted.

9           SECTION 3. This Act takes effect September 1, 2021.